

REMARKS/ARGUMENTS

Amendments To The Disclosure and Claims

Applicants have carefully considered the rejections raised in the Action. As a result, claims have been amended to more clearly and concisely recite the present invention, as outlined below.

Claims 1 to 27 and 40 to 67 have been withdrawn responsive to the Restriction Requirement and are hereby cancelled. Applicants reserve the right to re-file these claims in a divisional patent application at a later date. Claims 30-31 and 69 have also been cancelled, and claims 77-87 have been added. Accordingly, claims 28 to 30, 32 to 39, 68, and 70 to 87 are in the present application.

The Examiner has objected to claims 28 and 68 due to the noted informalities. Responsively these claims have been amended as suggested by the Examiner to more clearly and concisely recite the present invention.

In regard to the rejections to claims 37 and 70, under 35USC § 112, second paragraph, these claims have been amended to more clearly and concisely recite the present invention. Specifically, in claim 37, the term “optical band demultiplexer” has been replaced with “means for demultiplexing the input optical signals” whose antecedent basis is found in its parent claim. The dependency of claim 70 has been corrected from “claim 88” to “claim 68”. Applicants thank the Examiner for her suggestions regarding amending these claims.

In regard to the rejections to claims 37-39, 75 and 76 under 35USC § 112, first paragraph, claim 37 has been amended to correctly recite that the output of each branch is optically coupled to the each associated optical branching device. Essentially this claim 37 is specifying that the demultiplexer of Figure 5A may have the structure shown in Figure 3. This amendment is to correct the inadvertent editorial error in the original claim 37, and the support for the amendment is found in the application as originally filed, for example in the parent claim 28. Likewise, similar amendments have been made to claims 38-39, 75 and 76 to reciting coupling to the associated optical branching device.

To further more clearly and concisely recite the present invention, dependent claim 30 has been cancelled and a new independent claim 77 has been added in which the subject matter of claim 28 and 30 have been combined. New claims 78-82 are added to depend on claim 77 and are similar in scope to claims 38 and 39.

On page 18 of the Office Action, the Examiner has indicated that claims 31 and 69 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, the Applicants hereby make amendments to incorporate the subject matter of claims 31 and 69 into their parent claims 28 and 68, respectively.

Furthermore, description pages containing the Summary of Invention has been amended to include the paraphrases of the amended independent claims.

Applicants submit these amendments are to more clearly and concisely recite the present invention and are fully supported by the disclosure and figures as originally filed so that no new matter is being added.

Patentability of the Claims Over the Cited References

Claims 28 to 30, and 32 to 35 have been rejected under 35 U.S.C. § 103(a) as obvious over Downie et al. U.S. 2004/0197097 A1) in view of Meli US Pat. No. 5,793,508A), Kulushov (US Pat. No. 6,353,690 B1) and Huber (US Pat. No. 5,579,143). The Examiner has also rejected claim 36; claim 37; claims 38 and 39; claims 68 and 70-72; claim 73; claim 74; claims 75 and 76 over a number of references, including those applied to Claims 28 to 30, and 32 to 35, and further in view of Vohra (US publication No. 2002/0176134); Mizrahi (US Patent No. 5,457,760); and Lin et al. (US publication No. 2002/0012144).

As discussed above, independent claim 28 has been amended to incorporate the subject matter of claim 31, which the Examiner has deemed as allowable. Likewise, independent claim 68 has also been amended to incorporate the subject matter of claim 69, which the Examiner has deemed as allowable. In view of these amendments, it is respectfully submitted that claims 28 and 68, as amended, now recite the subject matters which are new and inventive of the cited prior art references. Since the subject matter of independent claims 28 and 68 are new and inventive, the Applicant submits that all other claims which depend directly or indirectly from claims 28 or 68 are also patentable.

Applicants respectfully submit that new claim 77, in which the subject matters of claims 28 and 30 have been combined, is not disclosed in any of the cited references and therefore recite patentably distinct subject matter. It is also respectfully submitted that new claim 83, in which the subject matter of claim 30 has been combined with the subject matter of method claim 68, is not disclosed in any of the cited references and therefore recite patentably distinct subject matter.

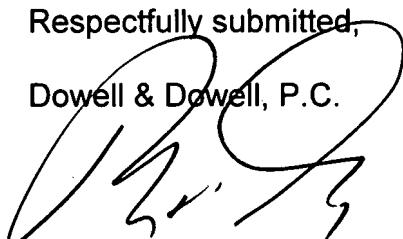
In view of the foregoing amendments and remarks, reconsideration and withdrawal of the rejection is respectfully solicited and favorable consideration and allowance of claims is requested.

Should the Examiner have any questions regarding the allowability of the claims with respect to the art, it would be appreciated if the Examiner would contact the undersigned attorney-of-record at the telephone number shown below for further expediting the prosecution of the application.

Respectfully submitted,

Dowell & Dowell, P.C.

By:


Ralph A. Dowell, Registration No.
26,868
Date:

DOWELL & DOWELL, P.C.
Suite 309, 1215 Jefferson Davis Highway
Arlington, VA 22202
Telephone - (703) 415-2555
Facsimile - (703) 415-2559
E-mail - dowell@dowellpc.com